

## **REMARKS**

Claims 6, 10 and 18 are cancelled and claims 1-5, 8-9, 16 and 17 are amended.  
Nine (9) Claims (claims 1-5, 8-9, 16 and 17) are pending.

### **Election/Restrictions**

Applicant's election without traverse of Group I, claims 1-10, and 16-18, on 1 May 2007, and the species Cecropin A melittin hybrid, polyacrylic acid, and poly(allylamine hydrochloride) on 24 September 2007. Because during searching US Patent No. 4933410 to Okrongly, was found as prior art, the species of examined hydrogel materials has been extended to include poly (4-styrenesulfonic acid).

Applicants respectfully point out that poly (4-styrenesulfonic acid) could not be the species of examined hydrogel materials because poly (4-styrenesulfonic acid) is a species of negatively-charged polyionic material. In order to expedite the prosecution, poly (4-styrenesulfonic acid) is eliminated from the species list of the claim 9 through the current claim amendment.

### ***Claim Rejections under 35 USC §103***

Claim 1 is rejected under 35 U.S.C §103 (a) as being unpatentable over US Patent Publication 2001/0045676 to Winterton, et al in view of US Patent No. 5213801 to Sakuma et al. For the following reasons, the Examiner's rejection is respectfully traversed.

Applicants respectfully submit that a prima facie case of obvious has not been established, because the primary reference, alone or in combination with the secondary reference, does not disclose or suggest all of the limitations of the invention as currently claimed. The primary reference discloses that a method of forming **a contact lens within a mold** is provided. A coating of a polyionic material(s) is **applied to the mold** before forming a lens therein (abstract). In contrast, The present invention teaches that a **contact lens** comprising a core material **which is a silicone-containing hydrogel material** and an antimicrobial LbL coating that is not covalently attached **to the core material**.

The secondary reference (US Patent No. 5213801 to Sakuma et al.) cannot fill the gaps left by the primary reference.

Based on the above discussion, applicants respectfully requests withdrawal of rejection under U.S.C. §103(a) of claims 1.

Claim 1 is rejected under 35 U.S.C §103 (a) as being unpatentable over US Patent Publication 2001/0045676 to Winterton, et al and Sakuma et al in further view of US Patent No. 54933410 to Okrongly. For the following reasons, the Examiner's rejection is respectfully traversed.

Applicants respectfully submit that a prima facie case of obvious has not been established, because the primary reference, alone or in combination with the secondary references, does not disclose or suggest all of the limitations of the invention as currently claimed. The Examiner correctly points out that the teachings of Winterton et al. and Sakuma et al do not describe that the antimicrobial peptides are covalently attached to the LbL coating through the reactive sites (office action dated September 28, 2007, 4<sup>th</sup> paragraph at page 4).

The third reference (US Patent No. 54933410 to Okrongly) cannot fill the gaps left by the primary and secondary references. The third reference discloses that formed substantially uncrosslinked polystyrene products are functionalized employing hydroxymethylamides for electrophilic substitution on the phenyl groups. The resulting functionalized polystyrene may be used for reacting with a wide variety of functionalities, particularly associated with macromolecules, to provide for a high density of covalently bonded macromolecules. Groups which may be substituted onto the polystyrene surface include, but are not limited to proteins, particularly biologically active proteins, and peptides.

However, the third reference (Okrongly) does not disclose the antimicrobial peptides are covalently attached to the LbL coating through the reactive sites as the currently amended claimed 1 recited. Please note that LbL coating is not functionalized polystyrene as required by the invention of the third reference (Okrongly).

Based on the above discussion, applicants respectfully requests withdrawal of rejection under U.S.C. §103(a) of claims 1.

Claims 2, 3, and 8-10 are rejected under 35 U.S.C §103 (a) as being unpatentable over Winterton, et al and Sakuma et al as applied to claim 1(b) above, and in further view of Diaz-Achirica, et al. For the following reasons, the Examiner's rejection is respectfully traversed.

Applicants respectfully submit that a prima facie case of obvious has not been established, because the primary reference, alone or in combination with the secondary

reference, does not disclose or suggest all of the limitations of the invention as currently claimed. The primary reference discloses that a method of forming **a contact lens within a mold** is provided. A coating of a polyionic material(s) is **applied to the mold** before forming a lens therein (abstract). In contrast, the present invention teaches that a contact lens comprising a core material which is a silicone-containing hydrogel material and an antimicrobial LbL coating that is not covalently attached **to the core material**.

The secondary reference (US Patent No. 5213801 to Sakuma et al.) and the third reference of Diaz-Achirica, et al cannot fill the gaps left by the primary reference.

Based on the above discussion, applicants respectfully requests withdrawal of rejection under U.S.C. §103(a) of claims 2, 3, and 8-10.

Claims 2, 4, 5, 6, and 16-18 are rejected under 35 U.S.C §103 (a) as being unpatentable over Winterton, et al and Sakuma et al , and Okrongly as applied to claim 1(a) above, and in further view of Diaz-Achirica, et al. For the following reasons, the Examiner's rejection is respectfully traversed.

Applicants respectfully submit that a prima facie case of obvious has not been established, because the primary reference, alone or in combination with the secondary references, does not disclose or suggest all of the limitations of the invention as currently claimed. The Examiner correctly points out that the teachings of Winterton et al. and Sakuma et al do not describe that the antimicrobial peptides are covalently attached to the LbL coating through the reactive sites (office action dated September 28, 2007, 4<sup>th</sup> paragraph at page 4).

The third reference (US Patent No. 54933410 to Okrongly) and the fourth reference (Diaz-Achirica, et al.) cannot fill the gaps left by the primary and secondary references. The third reference discloses that formed substantially uncrosslinked polystyrene products are functionalized employing hydroxymethylamides for electrophilic substitution on the phenyl groups. The resulting functionalized polystyrene may be used for reacting with a wide variety of functionalities, particularly associated with macromolecules, to provide for a high density of covalently bonded macromolecules. Groups which may be substituted onto the polystyrene surface include, but are not limited to proteins, particularly biologically active proteins, and peptides.

However, the third reference (Okrongly ) and the fourth reference (Diaz-Achirica, et al.) do not disclose the antimicrobial peptides are covalently attached to the LbL coating through the reactive sites as the currently amended claims recited. Please note that LbL coating is not functionalized polystyrene as required by the invention of the third reference (Okrongly).

Based on the above discussion, applicants respectfully requests withdrawal of rejection under U.S.C. §103(a) of claims 2, 4, 5, 6, and 16-18.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,

  
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